



Wisconsin Elections Commission

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MEMORANDUM

TO: Wisconsin Municipal Clerks
City of Milwaukee Election Commission
Wisconsin County Clerks
Milwaukee County Election Commission

FROM: Meagan Wolfe
Administrator

DATE: April 3, 2020

SUBJECT: Updates to Federal Court Order Affecting Spring Election – Witness Signature Required; No Release of Results Until April 13th at 4:00 p.m.

Today there were two important modifications to the Court Order issued yesterday by Judge Conley of the Western District of Wisconsin related to the Spring Election and Presidential Preference Primary:

The Seventh Circuit Court of Appeals granted a stay regarding the portion of the Order permitting an absentee voter to submit a statement that they were unable to obtain a witness signature in lieu of a witness signature on the certificate envelope. Therefore, absentee ballots must have a witness signature on their ballot for it to be counted, regardless of when the ballot is issued or received. All discussion of the exemption which had been authorized by the District Court's decision in other WEC materials, memos, and webinars is now outdated and should be ignored. We are still developing voter guidance which we hope to have available by tomorrow.

Earlier today, Judge Conley clarified the Order issued yesterday by ruling that election officials shall not release any unofficial results from the April 7, 2020 election until at least 4:00 p.m. April 13th, which is also the deadline for the receipt of absentee ballots. This is a critical aspect of the Order which all clerks and election inspectors must comply with. Noncompliance would not only violate the federal court Order, but releasing results on Election Night or prior to April 13th at 4:00 p.m. could affect voter confidence given that results would be incomplete and changing on a daily basis.

This Order applies to all contests on the ballot. Please take care to attempt to minimize access to unofficial results to avoid inadvertent or intentional release in violation of the Order. Also, emphasize to election inspectors the significance of this mandate and discuss how Election Night procedures should be altered to shield actual results from the public.

Wisconsin Elections Commissioners

Dean Knudson, chair | Marge Bostelmann | Julie M. Glancey | Ann S. Jacobs | Robert Spindell | Mark L. Thomsen

Administrator
Meagan Wolfe

Results will not be transmitted from municipalities to the County until after the April 13th deadline for receipt of absentee ballots and completion of the tally. Finally, it would be helpful to inform your local media outlets and local candidates that results will not be made public until April 13th.

Additional guidance regarding the tabulation and canvass process is included in today's webinar at this link: [Federal Court Decisions Affecting Spring Election](#)

A copy of the 7th Circuit Order is attached. A copy of Judge Conley's Amended Order is also attached. Please note, however, that paragraph (d) of that Order has been stayed by the 7th Circuit Decision and is no longer in effect.

If you have questions regarding this communication, please contact the Help Desk at 608-261-2028 or elections@wi.gov.